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Attorney for Defendant  
Armando Chavez-Chavez

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
ARMANDO CHAVEZ-CHAVEZ,  
  
Defendant.

Case No.: CR-11-00285-1 EJD

**STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE SENTENCING HEARING  
AND EXCLUSION OF TIME UNDER THE  
SPEEDY TRIAL ACT [18 U.S.C. §3161]**

The parties by and through their counsel of record, hereby stipulate to the following: The parties have jointly agreed that the current sentencing hearing date of Monday, July 2, 2012 by continued to Monday, August 27, 2012 at 1:30 p.m. The reason for this continuance is attorney Irvin Simons from our office has been assigned to prepare the objections to the presentence report. Mr. Simons was hospitalized recently and was subsequently readmitted. He is currently awaiting surgery set for June 27, 2012 and we expect he will require one week thereafter for recovery. Therefore, our office will not have the objections to the presentence report filed by the deadline and will require a continuance of the hearing date to allow time for Mr. Simons to complete the objections to the presentence report. Our office has contacted Karen Mar, U.S. Probation Officer and she has no objections to the continuance. In addition, our office contacted Meredith Edward, Assistant United States Attorney and she has no objections to the continuance.

1 For the factual reason above, the parties agree that the time between July 2, 2012 and  
2 August 27, 2012 shall be excludable from the Speedy Trial Act requirements of Title 18, United  
3 States Code, Sections 3161 (h)(7)(A) and 3161(h)(7)(B)(iv).

4 The parties agree that the time is excludable in that the ends of justice served by  
5 granting the continuance of the status conference to August 27, 2012 outweigh the best  
6 interests of the public and the defendant in a speedy trial. The parties agree that a continuance  
7 of the status conference to August 27, 2012 is necessary to ensure both effective case  
8 preparation and the availability of defense counsel, and denial of such a continuance would  
9 unreasonably deny defendant effective case preparation and continuity of counsel pursuant to  
10 18 U.S.C. §§3161(h)(7)(A) and 3161(h)(7)(B)(iv).

11  
12 Date: June 19, 2012

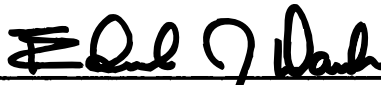
13  
14 /s/Robert W. Lyons  
15 Robert W. Lyons  
16 Attorney for Armando Chavez-Chavez

17 Date: June 19, 2012

18 /s/Meredith Edward  
19 Meredith Edward  
20 Assistant United States Attorney

21 **IT IS SO ORDERED.**

22 Date: 6/20/2012

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25 Honorable Edward J. Davila  
26 United States District Judge  
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